

Illinois Commerce Commission
Pipeline Safety
Exit Meeting Documentation Form

Operator:	MT. CARMEL PUBLIC UTILITY CO.
Inspection Unit(s):	MT. CARMEL PUBLIC UTILITY CO.
Date of Meeting:	05/29/2015
Pipeline Safety Analyst:	Valerie Schwing, Charles Gribbins
Exit Meeting Contact:	Eric Bramlet

Exit Statement

INSPECTION FINDINGS

Standard Inspection Plan Review- Drug and Alcohol

Issues(s) Found:

[NO ISSUES FOUND]

Notice Of Amendment(s) Found:

Code Part [40.409(b)] - The Drug and Alcohol Programs do not address Public Interest Exclusions "(PIEs)".

Code Part [40.307(f)] - The Alcohol Misuse Prevention Program in Section IV Testing Part G. Follow-Up Page 14, follow-up testing is performed on an unannounced basis, at a frequency established by the MRO not the SAP, for a period of not more than 60 months.

Code Part [40.307(a)] - The Alcohol Misuse Prevention Program in Section IV Testing Part G. Follow-Up Page 14, the SAP does not establish a written follow-up testing plan for a covered employee that engages in conduct prohibited by §§199.215 through 199.223 and seeks to return to the performance of a covered function.

Code Part [40.285(a)] - The Alcohol Misuse Prevention Program does not establish that a covered employee that engages in conduct prohibited by §§199.215 through 199.223 does not return to duty for a covered function until the employee: 1. Completes a SAP evaluation, referral, and education/treatment process.

Code Part [199.209(b)(1)] - Mt. Carmel has chosen to conduct pre-employment alcohol testing. The Alcohol Misuse Prevention Program did not establish the following: 1. Conducts a pre-employment alcohol test before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions).

Code Part [199.209(b)(2)] - Mt. Carmel has chosen to conduct pre-employment alcohol testing. The Alcohol Misuse Prevention Program did not establish the following: 2. Treats all covered employees the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

Code Part [199.209(b)(3)] - Mt. Carmel has chosen to conduct pre-employment alcohol testing. The Alcohol Misuse Prevention Program did not establish the following: 3. Conducts the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test [§199.209(b)(3)].

Code Part [40.25(a)] - The Alcohol Misuse Prevention Program does not verify that a covered employee must not perform their functions after 30 days from the date on which the employee first performed safety-sensitive functions as identified in 40.25 and 199.209(b).

Code Part [40.213] - The Alcohol Misuse Prevention Program positions do not establish the following the applicable qualification requirements of Part 40 and Part 199 as follows are met: 1. Screening Test Technician 2. Breath Alcohol Technician

Code Part [40.281] - The Alcohol Misuse Prevention Program positions do not establish the following the applicable qualification requirements of Part 40 and Part 199 as follows are met: 1. Substance Abuse Professional (SAP)

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Code Part [199.239(b)] - Mt. Carmel did not incorporate the U.S DOT Office of Drug and Alcohol Policy and Compliance. Therefore all the educational materials made available to covered employees did not include detailed discussion of at least the following. 1. The categories of employees who are subject to the provisions of this subpart. 2. Sufficient information about the covered functions performed by those employees to make clear what period of the work day the covered employee is required to be in compliance with this subpart. 3. Specific information concerning covered employee conduct that is prohibited by this subpart. 4. The circumstances under which a covered employee will be tested for alcohol under this subpart. 5. The procedures that will be used to test for the presence of alcohol, protect the covered employee and the integrity of the breath testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee. 6. The requirement that a covered employee submit to alcohol tests administered in accordance with this subpart. 7. An explanation of what constitutes a refusal to submit to an alcohol test and the attendant consequences. 8. The consequences for covered employees found to have violated the prohibitions under this subpart, including the requirement that the employee be removed immediately from covered functions, and the procedures under §199.243. 9. The consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04. 10. Information concerning the effects of alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a coworker's); and including intervening evaluating and resolving problems associated with the misuse of alcohol including intervening when an alcohol problem is suspected, confrontation, referral to any available EAP, and/or referral to management.

Code Part [199.239(a)(2)] - The Alcohol Misuse Program does not state that the operator shall provide written notice to representatives of employee organizations of the availability of this information.

Code Part [199.243] - The Alcohol Misuse Prevention Program does not assure a listing of Substance Abuse Professionals (SAPs) that are readily available will be provided to the employee.

Code Part [199.223] - The Alcohol Misuse Prevention Program does not state in Section III Qualifications for Employment Part A. Prohibited Conduct Page 9, that no operator shall permit an employee who refuses to submit to a required alcohol test to perform or continue to perform covered functions.

Code Part [40.13] - The Alcohol Misuse Prevention Program does not ensure that the DOT tests are completely separate from non-DOT tests in all respect.

Code Part [199.1] - In Section II Scope A. Page 3, the Alcohol Misuse Prevention Program does not identify the covered positions.

Code Part [40.165] - The Anti-Drug Program does not establish the following: 1. Reporting all drug test results to the DER, except in the circumstances provided for in §40.345, when a C/TPA may act as an intermediary.

Code Part [40.167(a)] - The Anti-Drug Program does not establish the following: 1. Reporting the results in a confidential manner.

Code Part [40.167(b)(c)] - The Anti-Drug Program does not establish the following: 1. Reporting the results within the required time constraints.

Code Part [40.171(c)] - The Anti-Drug Program does not state that the MRO further documents the date and time of the employees request to test the split specimen.

Code Part [40.153] - The Anti-Drug Program does not state that the split specimen must be tested regardless of payment.

Code Part [40.127] - The Anti-Drug Program does not establish that the MRO performs the review functions required by §40.127 for negative drug test results received from a laboratory, prior to verifying the result and releasing it to the Designated Employer Representative (DER).

Code Part [40.123(b)] - The Anti-Drug Program does not establish that the MRO provides quality assurance reviews of the drug testing process.

Code Part [40.67(a)(b)(d)] - In the Anti- Drug Program, procedures are not in place for direct observation when required.

Code Part [40.111(a)] - The Anti-Drug Program does not establish that the laboratory transmits an aggregate statistical summary, by employer, of the data listed in Part 40, Appendix B to the employer on a semi-annual basis.

Code Part [40.99] - The Anti-Drug Program does not state that laboratories testing the primary specimen retain a specimen that was reported with adulterated, substituted, or invalid results for a minimum of one year. The specimen must be kept in secure, long-term, frozen storage in accordance with HHS requirements.

Code Part [40.97(b)] - The Anti-Drug Program does not state that laboratory results are reported directly, and only, to the MRO at his or her place of business as per 40.97(b).

Code Part [40.25(a)] - The Anti-Drug Program does not verify that a covered employee must not perform their functions after 30 days from the date on which the employee first performed safety-sensitive functions.

Code Part [40.15(d)] - The Anti-Drug Program does not verify that a service agent is not used to fulfill the function of a Designated Employer Representative.

Code Part [40.121] - In the Anti-Drug Program MRO positions do not state that the program meets the applicable qualification requirements.

Code Part [40.33] - In the Anti-Drug Program Urine specimen Collector positions do not state that the program meets the applicable qualification requirements.

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Code Part [40.281] - In the Anti-Drug Program SAP positions do not state that the program meets the applicable qualification requirements.

Code Part [40.287] - The Anti-Drug Program does not state a listing of Substance Abuse Professionals "(SAPs)" will be readily available to the employee.

Code Part [40.23] - The Anti-Drug Program does not assure that until a positive drug test is confirmed the employee will be removed from performing safety-sensitive functions.

Code Part [40.21] - The Anti-Drug Program does not state, standing down an employee before the Medical Review Officer has completed the drug test verification process or that an approved waiver is granted per the requirements is prohibited. The operator must state the stand down process.

Code Part [40.13] - The Anti-Drug Program does not ensure that the DOT tests are completely separate from non-DOT tests in all respects.

Code Part [199.1] - In Section II Scope A. Page 3 the Anti-Drug Program did not list the covered positions that are required to be tested for the presence of prohibited drugs.

Code Part [199.101(a)(3)] - The SAPs are not listed in the written Anti-Drug Plan.

Code Part [199.105(f)] - In Section IV Testing Part G. Follow-Up Page 14 of the Anti-Drug Program, follow-up testing is performed on an unannounced basis, at a frequency established by the MRO not the SAP, for a period of not more than 60 months. At least six tests must be conducted within the first 12 months following the covered employee's return to duty. [§40.307, §40.309, and §199.105(f)]

Code Part [40.307(a)] - The Anti-Drug Program does not establish that the SAP establishes a written follow-up testing plan for a covered employee that violates DOT drug regulations and seeks to return to the performance of a covered function [§40.307(a)].

Code Part [40.307(a)] - The Anti-Drug Program does not establish that the SAP establishes a written follow-up testing plan for a covered employee that violates DOT drug regulations and seeks to return to the performance of a covered function [§40.307(a)].

Code Part [40.285(a)] - The Anti-Drug Program does not identify a procedure in Section IV Testing Part F. Return-To-Duty Page 14 for the following: 1. Completes a SAP evaluation, referral, and education/treatment process [§40.285(a), §40.289 (b), and §199.105(e)],

Code Part [40.305(a)] - The Anti-Drug Program does not identify a procedure in Section IV Testing Part F. Return-To-Duty Page 14 for the following: 1. After completion of the SAP process above, successfully completes a return-to-duty drug test [§40.305(a) and §199.105(e)].

Code Part [40.67(b)] - The Anti-Drug Program does not identify a procedure in Section IV Testing Part F. Return-To-Duty Page 14 for the following: 3. As of August 31, 2009, verify that all return-to-duty testing was performed under direct observation.

Code Part [40.67(a)(b)(d)] - In the Anti- Drug Program, procedures are not in place for direct observation when required under §40.67(a), (b) and (d).

Notice Of Violation(s) Found:

Code Part [40.45] - On May 28, 2015, Staff determined the current Federal Drug Testing Custody and Control Form "(CCF)" or equivalent, was not being used at the collection site Wabash Primary Care Assoc. located at 1123 Chestnut Street, Mt. Carmel, IL 62863.

Code Part [199.241] - Mt. Carmel's records do not demonstrate that supervisors designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol testing under §199.225(b) received at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

PAST INSPECTION FINDINGS

Issue(s) Corrected:

[NO ISSUES CORRECTED]

Notice Of Amendment(s) Corrected:

[NO NOAS CORRECTED]

Notice of Violations(s) Corrected:

[NO NOPVS CORRECTED]

Pipeline Safety Analyst Signature:



Operator Representative Signature:


